

G. R. S. IX-5]

Previous references.

1892-93

File No

14

192

Serial Nos.

(L R)

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

1-8
M Part B for May 1893

SUBJECT

Appeal of Saruve Baile Dyave Gowda, Village, Chickamagalur Taluk. Kader District regarding the removal of a verandah on that is an encroachment upon a public road.

to The Deputy Commissioner Kader District
SL 7 No. 19279 D. 6 5 1893
P. 7. 294-92

Inform him that the appeal of the Pet has been dismissed as the records show that encroach upon a public road

Precis:

A. S. no. 41 of 1892-93

Appellant:

Sasune 'Bailu dyave'
Gowda residing at Anur
Chickmagalur Taluk.

On the 8th February 1892 Nanjappa Gowda Patel and other ~~was~~ inhabitants of Anur village presented a petition to the Amildar of Chickmagalur that the appellant had laid a foundation to erect a building encroaching upon the boundary stones in a certain locality in that village, that this building ^{would} obstruct the free passage of cattle and carts, and that the appellant should therefore be directed not to raise the building there.

On the 10th February 1892 the Amildar directed the Shekoar to submit a report in the matter.

The Shekoar examined the appellant who stated before him ^(Heard) on the 26th February 1892 that it was true that he had ~~erect~~ encroached upon $1\frac{1}{2}$ yds of Govt's land in the lane leading to the tank, that

he had raised a "jagali" and covered the portion with a tiled roof to prevent the wall behind it from being affected by moisture, ~~that~~ his brother had during his lifetime laid ^{the} foundation and he (appellant) had only erected a tiled building there, that this building was not likely at all to prevent the free passage of men & cattle in the lane and if Govt. was pleased to allow him to have his building uninterfered with he would be very much benefited but if Govt. was not pleased to do so he would merely abide by its orders.

On the same date i.e. on the 26th February 1892 the inhabitants of the village gave a statement before the Sherkar that it was not true that the appellant brother had laid any foundation there ~~and that~~ that it was this appellant ~~only~~ that had laid the foundation and erected a tiled building there about 15 days ago, that this building very materially interfered with the free passage of men, cattle & carts in the lane, and that the

Note - The Appellant in his appeal Petition states that he was sick when he gave the statement before the Sherkar and suspects that the statement might not contain what he wanted to say. The Deputy Comr. does not believe this as the Appellant was examined in the presence of Kanchaydars.

building should therefore be ordered to be removed.

To the same effect the inhabitants of the village have executed a mahazar on the said 26th Feby 1892.

On the 20th March 1892 the Amildar there upon issued an order to the Shekoar that it was improper ^{on the part of the appellant} to have encroached ~~upon~~ upon the Govt land and that the building raised on the encroached portion should be removed.

On the 16th May 1892 the appellant Dyave'gova stated before the Shekoar that he had raised a verandah in the lane only to protect his wall behind it from being seriously affected by moisture in the rainy season that this shed ~~or~~ verandah instead of being a source of inconvenience to the public was useful to them inasmuch as it afforded shelter to men & cattle passing in the lane, that he had besides spent a large sum of money to erect the said building, that the inhabitants of the village had ~~only~~ complained against him merely out of malice and that he would not therefore

remove the building.

On the 19th June 1892 the Amildar of Bhickmagalur reported to the Deputy Commr. that the appellant had encroached upon 4 ft of Govt land in the lane leading to the tank from the village, that on the encroached portion he had raised a tiled building, that this building was likely to obstruct the free passage of carts in the lane, that whether the building in question actually obstructed the passage of carts or not it was certain however that the building stood on the encroached Govt land and that orders should therefore be passed in the matter.

On the same date (19.6.92) the Deputy Commr. inspected the place ~~and~~ ^{he} issued an order to the Amildar that since the appellant had encroached upon four feet of Govt land and as the eaves of the tiled building standing on the said — encroached portion had also projected $1\frac{1}{2}$ ft in front of the above building he (appell^t) should remove the building by the end of September 1892.

Y of 20.7.92

The appeal is against
the above order of the
Deputy Commr.:-

The appellant alleges:

i That the inhabitants
of the village have maliciously
complained against him
that he has encroached
upon Govt. land.

ii That the building that
has been raised by him
in the lane does not at
all interfere with the free
passage of men, cattle and
carts.

iii That in front of the
building that has now
been raised by him there
is ~~low~~ garden on a much
higher level belonging to
one of his relatives from
which mud slips down
which if removed would
make the lane much wider.

With regard to the 3rd
allegation above mentioned
of the appellant, the Dy Commr.
in his letter ^{no} 202 of 18-10-92
to this office states

" I found on inspection
that if the Pet^r carried
out his proposal of widening
the road he would require
to excavate a large amount
of earth and rivet the
bank, which unless well

carried out would be always
 slipping and causing
 annoyance to the holder
 of survey no. 91 (the owner
 of the garden ref. to above)
 as well as to passengers"
 with regard to the second
 allegation above mentioned
 the Deputy Commr. states that
 "under existing circum-
 stances there is insufficient
 room for ~~two~~ ^{cars} (cars) to
 pass in the lane.

WCH

17/11/93

Memo

A. S. no 41 of 1892-93

Appellant:

Sasuve' Baidi Dyane Gowda
of Anur village Chikmagalur Taluk
Case under sec. 37 of the Land Rev. code

On the 8th February
1892 Nanjappa Gowda
Patel of Anur presented a
petition to the Amildar of
Chikmagalur that the
appell^t had laid a foundation
to erect a building encroaching
upon the banoh stones in
a certain locality in the said
Anur village, that the building
would obstruct the free
passage of cattle & carts and
that the appell^t should not
therefore be allowed to raise
the building there.

On the 10th Feb 1892 the
Amildar ordered the Shekhar
to submit a report in the
matter. The Shekhar thereupon
examined the appellant
who stated before him on
the 26th Feb 1892 that it
was true that he had
encroached upon 1 $\frac{1}{4}$ gors
of govt land in the lane
that his brother had during
his life time laid ~~the~~ foundation
and he (appell^t) had only
~~a~~ raised a "jagali" there
and covered the portion with
a tiled roof, that the building

on sur. no 1, a Coffee
garden in the occupation
of the Appellant.

1. Between sur nos 1290.
Please see sketch map - Paper
no 5 in the V. Record.

did not at all interfere with the free passage of men & cattle in the lane and that if Govt. on deliberate consideration of the case found that the building was likely to interfere with the free passage of men & cattle he would remove the building.

On the same date the inhabitants of the village gave a statement before the Shekoar ~~that~~ that it was the appellt only that had laid the foundation and erected a tiled building about 15 days ago, that the building very materially interfered with the free passage of men & cattle in the lane and that the building should therefore be ordered to be removed.

26.2.92

To the same effect a mahazar was also executed by the inhabitants of the village, ~~on the same date~~ on the same date (26.2.92).

On the 20th March 1892 the Amildar issued an order to the Shekoar that the appellt was wrong in having encroached on Govt. land and that the building raised on the encroached portion should be removed.

On the 16th May 1892 the appellt stated before the Shekoar that he had raised a verandah or shed in the

lane, only to protect his wall behind it from being affected by moisture in the rainy season, that this verandah instead of being a source of inconvenience was useful to the public in as much as it afforded some shelter to men & cattle passing by it, that he had spent much money ~~for~~ ^{on} building it and that he would not therefore remove the said building.

On the 19th June 1892 the Amildar reported to the Dy Commr. that the Appell^t has encroached upon 4 ft. of Govt. land in the lane that the building that had been erected on the encroached portion was likely to interfere materially with the free passage of carts in the lane, and that whether the building in question actually obstructed the passage of carts or not it was certain that the building stood on Govt. land.

19.6.92

On the same date the Dy Commr. inspected the land found that the Appell^t had encroached upon 4 ft. of Govt. land and besides the eaves of the building on the encroached portion had also projected 1½ ft. in front of the said building. ~~He~~ ^{He ordered} that the Appell^t should therefore remove the building by the end of Sept. 1892.

* 20.7.92

The appeal is against the above order of 20.7.92.

The appellt alleges:

- 1) That the inhabitants of the village have maliciously complained against him that he has encroached on govt land.
- 2) That the building that has been raised by him does not at all obstruct the passage of men cattle & carts & that the lane is not of uniform width.

The Dy Commr in his letter to this office states ~~however~~ that the building does obstruct the passage of carts in the lane to some extent, since there is insufficient room now.

He Dy Comr reports further that the sketch given by the Petitioner is misleading & the sketch filed with the record - paper no 5 - shows the correct state of things. The encroachment is shown in blue pencil on the Petitioner's sketch.

17/1/93

Refer directly to the construction of the Varanasi Jm, near the app't. The app't report is not quite reliable. The sketch does not give the measurements. The police states that the house was built 15 yrs ago, that the roof of the present Varanasi also stood but without post and that the of alteration made. The newly was along the side of the roof. The app't to the Jm. No evidence was taken on the point. Jm. has the

18.10.92

The Dy Comr found upon personal inspection that the appellt had encroached upon govt land, & the appellt also appears to have admitted the fact. It is besides the point whether the village complained maliciously or bona fide, & whether the new building may give some shelter to men & animals. The Dy Comr has found that the building will cause no inconvenience to the neighbouring land holders & to the villagers. There is no reason to disturb the order & the appellt is required

18/1/93
a day on
the morning of 19/1/93

29/1/93
Posted for hearing on 4th May 1893

8

No 41 of 1892-93

App't

Davegowda
 of Sasare Hader
 Chikkamangal
 Taluk
 Hader

represented by Mr
 K. J. Karasimayal.
 advocate

This is an appeal against the order
 of the Dy Cent directing the app't to remove
 a veranda erected by the app't on the
 ground that it is an encroachment upon
 a Public Road. —

The Records & the plan furnished by
 the Dy Cent clearly show that the app't did
 encroach upon the Public road, & the Govt
 see no reason to interfere with the order
 issued by the Dy Cent. The appeal
 is therefore rejected. App't states that

he has erected
the veranda at
some cost on
request that he
may be allowed
to purchase
some other land
in the neighbourhood
to make it over
to him to be used
as Road in lieu
of the space occupied
by the veranda.
He ~~has~~ ~~stated~~ ~~the~~
represent the matter
to the D.C. - but
can ^{at present} pass no orders
on the subject.

U/ 5/5793

note

It is informed that
his appeal has been
dismissed, as the
records show that he
did encroach upon
a public road.

U/ 5/5793

all 6/5

all 6/5793

- 191-92
- (1) Stamp correct
 - (2) Order produced
 - (3) Appeal in time
 - (4) Rule I cl (4) of the
Hoo Rules

(General Serial No. 32.)

1892.

(2)

No. 781

Name of Petitioner. S. Dyave'saw

Village. Anur

Taluk. Chickamagalen

District. Nadur

Date of Arzi. 19-9-92

Date of Receipt. 24-9-92

Date of Disposal.

No. of Enclosures. two

ABSTRACT. Subject.

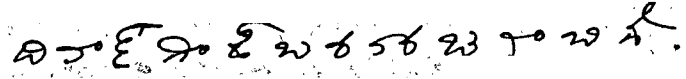
Appeals against the
Dy/sur's order of 20th
July 92 requiring
Appellant to pull
down part of his
newly repaired house
on sur. no. 1 (Coffee
estate) of the Anur
village on the ground
that Appellant has
encroached upon
the village land in
front.

Call for Prof
with the usual
report. and request
the Dy/sur to hold
his order in abeyance
until the Appeal
is decided in Council.

RO
JK
21/9/92

Received
by
21/9/92

in Albany and
the Appeal is disposed of




 ద. 1892 జూలై 9 న వ యాం దిం 1905 లు పు
 న ప్రకారం ఆ జనాభా నాని ఆ జనాభా నా
 నా-20-5-96 ద. 1892 జూలై 9 న వ యాం దిం 1905 లు పు
 ద. 1892 జూలై 9 న వ యాం దిం 1905 లు పు
 ద. 1892 జూలై 9 న వ యాం దిం 1905 లు పు

10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 8

[illegible][illegible][illegible]

ନମ୍ବର ୫୯ ଉପର ୦୯ ୦୦ ୪୫ ୩୦ ୩୫ ୧୯/୧୯

ॐ नमो भगवते वासुदेवाय

ਸਿਰਫ਼, ਜਿਸ ਲਈ ਅਤੇ ਸਿਰਫ਼

[illegible]

LD 191-92

The accompanying Petition No. 781

dated 19th Sept 92 received at the

Dewan's Office from S. Dyave Conde

of Anur village, Chickamag
his Saluk, appealing against
the Dy. Comr's order directing P.
pull down part of his newly rep.
house on Survey No 1 in the said
village,

is forwarded, together with its two

enclosures, to the Dy. Comr, Madras

Distt, for submission of

Progs. together with a report

on the facts of the case and

on the points taken in the

petition.

2. The Dy. Comr is requested
to hold his order in abeyance
pending the disposal of the
appeal.

3. The Petition should be returned
By Order,

Draft

Mr. V.

Chief Secretary.

BANGALORE,

24th Sept 1892

MD

Not issued

24/9

NR 191-92-3

Kasur District

To The Chief Secretary
to the Govt of Mysore

Dated 18 October

Despatched 20th do.

Received

Enclosures No. 1 & ver: Correo
and Petition

General No. 202 } 1892-93
No. }

Reporting on the peti-
tion of one P. Devegowda
of Anur Village, Chikmag-
alur Taluk, with a memo
embodying the facts of
the case and touching
on the points taken in
the petition.

Petn Br
Cm
22/10/92

K. Shankar
for Secy
to the
Govt
of
Mysore
Submitted to
the Council
with previous
N. 17/10/92

From

The Deputy Commissioner
Kadur District

To

The Chief Secretary to the
Government of Mysore.

Sir,

With reference to your Office
Memo No: $\frac{\text{Pet}}{417}$ dated 24 September
last, forwarding one S. Devegowda's
petition for report, I have the honor
to enclose a memo embodying
the facts of the case. As regards the
points taken in the petition, I beg
to state as follows:-

The position of the encroached -
portion of the land and of the -
appellant's house, as shown in
the sketch referred to in para 2 of

pencil. The sketch filed with the Vernacular records shows the positions correctly.

2. As regards para 3 and the latter part of para 4 of the petition, The Amildar has found the part of the lane in question leading to the village is 2 yards or 6 feet. The petitioner's allegation that no notice was taken of the varied breadth of the lane is therefore untenable.

3. As regards the first part of para 4 of the petition the appellant appears to have been examined in the presence of the Panchajetdars who state that the appellant was present when the Mahazar was

correctly recorded by the Sheikdar
is incorrect.

4. As regards para 5, I found
on inspection that if the petitioner
carried out his proposal of
widening the road, he would
require to excavate a large amount
of earth and revet the bank, which,
unless well carried out, would
be always slipping and causing
annoyance to the holder of Survey
No. 91, as well as to the passengers.

5. Para 6.— The Villagers represent
that carts did pass along this
lane, and it was apparent during
my inspection that under the
existing circumstances there is
insufficient room for them to do so.

to support the roof of a house.

7. Para 8 - The appellant admitted before me that he had encroached upon Government land and I do not consider it practicable for the appellant to carry out the work mentioned by him. The petitioner was merely ordered to remove part of the Verandah which obstructed the road and which would not interfere with his house in any way.

02/11/1911

8. Para 9 of the appeal petition - Before the receipt of the memo under reply orders had been, on the representation of the appellant, issued to the Amildar to hold my orders in abeyance

proceedings ending with this Office
No: 340 dated 22nd September 1892 to the
Amildar are herewith submitted.

I have the honor to be
Sir

Your most obedient servant.

W. Parker

Deputy Commissioner

Kadur District

Ans

Copd
A.K.

Village in the Bhikmagalur taluk.

10. February 92.

Nanje Gowda - the Patel of Anoor - reported to the Amildar that the appellant Dive Gowda laid a foundation to erect a building, which encroached upon Bandh stones besides causing inconvenience to the usual passage for carts, men, &c.

26. February 92.

2. The Hobli Sheikhdar took down a statement of the appellant, who admitted having encroached upon $1\frac{1}{4}$ yards of Government land (Lane) having built a tiled building over it with posts, &c. and agreed to remove the building on the encroached part adding that the Jagali (the basement) which his brother erected when he was alive was intended to maintain the house wall.

3. The Mahazar drawn up in the presence of the Panchayetdars (7 men) -

Shows

sketch put up with the record) for building a shed; that a Katte or Jagali below the shed was made on a space measuring $1\frac{1}{4}$ yards in its width and that it has obstructed the passage for carts - but that no boundary stones &c were removed by the — appellant.

Note: - Here arises a doubt whether the land occupied by the Jagali and shed was encroached upon. The Amildar's report in the following para is clear on this point.

4 The Amildar who personally inspected the spot reported as follows on 19 June 1892

" I inspected the spot in question to day. The Defendants' house is in an occupied land. Its Jagali encroaches upon Government Lane. This Jagali is roofed with tiles, the

its width. The lane in front of the jagali is as it stands 8 feet in width. The width of the lane beyond the jagali towards the village is less (by 2 feet), viz, 6 feet wide. It is said that carts use to pass in this lane. The roof ~~seems~~ to come in contact with the carts when passing the jagali. Though it is doubtful whether or not the public would be inconvenienced, yet it is a fact that the Defendant has encroached upon Government Lane.

19 June 1892. The Deputy Commissioner also personally inspected the spot and found the case to be as stated by the Amildar.

20 July 1892. According to Section 37 of the Land Revenue Code, the Village

substantiate his claim over the
alleged encroached portion of land
orders were passed to remove the
building - vide papers nos: 13 and 14.

Wt Parke
Deputy Commissioner
Kaour District.

Mrs

Copd
A.K.

LD 191-92

Dewan of Mysore

To

~~The Chief Secretary to the~~
~~Dewan of Mysore~~
The Deputy Commr.
Kadur

Dated 26th

Despatched 31st January 1893

Received

Enclosures No. 10 file

General No. 13039
Pet No. 902

Requesting him to submit
a sketch with measure-
ments in connection with
the appeal preferred to
govt by S. Deve Gowda of
Anur bhick maghur taluk.

References to be marked.

To the same No. 16168 & 30/3/93
1248

From Ds 516 & 31/3/93 -

His letter no 202 dated the 18th
October 1892 reporting on the
petition of S. Dene Gowda of
Anur Village Chikmagalur
Taluk

With reference to the above
has the honor to observe that
the Deputy Commr's report is not
quite intelligible and that the
sketch submitted therewith does
not give the measurements.

2 The petitioner states that
his house was built 15 years
ago, ~~and~~ that the roof of the present
verandah also stood, but without
posts, and that the only alteration
made by him recently was
altering the slope of the roof and
putting up the posts. No evidence
was taken on these points.

3 The Deputy Commissioner
is therefore requested to submit
a proper sketch with measure-
ments. Very respectfully he may wish to make

4 The vernacular proceedings
received with the above letter
are returned for reference &
resubmission. The case will be heard by Council
before Govt decideⁿ

By order

(draft)

Chief Secretary

After this fair is
despatched
the file should
be brought
back to
the
70/1

NR 191-1

to the Dewan of Mysore.

To

The Deputy Commr.
Kadur

Dated

Despatched

January 1893

Received

Enclosures No.

General No.
No.

Requesting him to submit
a proper sketch with measur-
-ments of the portion of the
lane and the building in
dispute in Anur Village
Chickmagalur Taluk.

Draft out more
fully — including
all the remarks of
the J. S. Dewan. This
is necessary
to be plain
vs. / to the J. S.

References to be marked.

of the nature
of the proper sketch
called for

His letter no. 202 dated the
18th October 1892 reporting
on the petition of S. Deve'
gowda of Anur Village
Chickmagalur Taluk

With reference to the above
has the honor to request
that the Deputy Commission
will be good enough to send
a proper sketch with measu-
-ments of ~~the portions of the~~
~~lane and the building now~~
~~in dispute~~ in detail
of the ~~bedding~~-Verandah,
Road, &c.

By order

(Draft)

Ben N Chief Secretary

LR 191-92-6

To

Kadur District
The Chief Secretary to the Dewan
of Mysore.

7

Dated Camp Santawari, 31st March

Despatched 5th April 1893

Received

Enclosures No. 1 filed & sketch

General No. 516
No. 1892-93

Submitting detailed report
with sketch on the petition of
S. Devagowda of Anur and
stating that orders have been
issued for the removal of
Verandah complained of.

P. M. Ror

M. M.

7/4

To,

The Dy Commissioner
Kadur Dist.
The Chief Secretary to the
Dewan of Mysore.

Sir,

In resubmitting the vernacular records ending with the Chickmagalur Amildar's report No 1036 dated 23rd instant, received with his docket No 13039-902 dated 31st January 1893, I have the honor to state as follows:-

2. With reference to para 3 of the above docket, I herein enclose a sketch prepared by the District Surveyor who has examined the spot and noted the actual measurements taken by him of the varied breadth of the lane ~~in~~ in the presence of the Appellant S. Devezowda, the Patel and others. It will be seen from that sketch that the Appellant's house A — stands partly on his land, Survey No 2, and partly in Government lane marked 1, 2, 28 and 31 and that the Verandah B is the building newly added to A.

ago, i.e., just after the Revenue Survey Settlement in 1880-81. As the encroached part of the house A did not apparently obstruct the road or the lane in any way, no Complaint seems to have been made by the villagers of it, nor was it brought to the notice of the authorities by the then village officials, who are now reported to have died a few years ago. Since the death of Tanimi goda, the Appellant Devagoda has been living in the house A.

4. The further encroachment made by the Appellant by constructing the Verandah B (ordinarily called Kadiharoo in Banarase) having obstructed the passing of Carts, cattle, &c. at the point C - the Patel of the village reported the same to the Taluk Amildar who held the necessary investigation and submitted his report.

5. With reference to para 3 of your docket under reply I beg to state that, on receipt of the Amildar's report, I made a personal inspection of the spot and held

Appellant having encroached upon Government land (shown as such on Survey Map) and added to his former house A the site occupied by Verandah B. The Appellant stated that the whole of his former house, viz. A and B was in his possession for the last 15 years, but that B was not supported with posts, which he placed in February 1892 when the offence of encroachment was reported by the Patel, and the Appellant also added that he could not prove his assertions by any documentary evidence or by any of his witnesses whom he said he did not bring though a clear and formal notice was duly ~~if~~ served upon him beforehand. As far as the additional encroachment of Verandah B is concerned, the Patel on behalf of Government has clearly proved by his witnesses that the said Verandah B did not originally form part of the house A, that its roof did not exist before, and

6. It will be observed,

that the roof of the Verandah B in dispute measures 8 feet and 3 inches at one end and 5 feet and 11 inches at the other end in breadth and 33 feet in length. The Appellants — statement that this "big" roof having an average width of 7 feet and 1 inch stood without posts is in itself absurd, as it would be impossible for the eaves of any house of this width to stand without support and which the Appellant declares this did. Considering (1) the length of ~~the~~ time the house A was built, (2) the manner in which the Verandah B is raised, and (3) the fact of the Appellant having had another building in his own land for his abode and of the actual obstruction of right of way to cattle, carts, men, &c, particularly at the point C marked on the sketch, I thought it best to order that the new addition B which caused the obstruction may be removed, as it did not in the least interfere with the original house A.

J. P.

he stands responsible.-

7. On receipt of final orders in this case, notice will be taken of the conduct of men who have been unauthorizedly enjoying certain portions of the land lying within the fences marked + + + in the accompanying sketch.-

I have the honor to be

Sir,

Your most Obedt Servant.

W. H. Parker

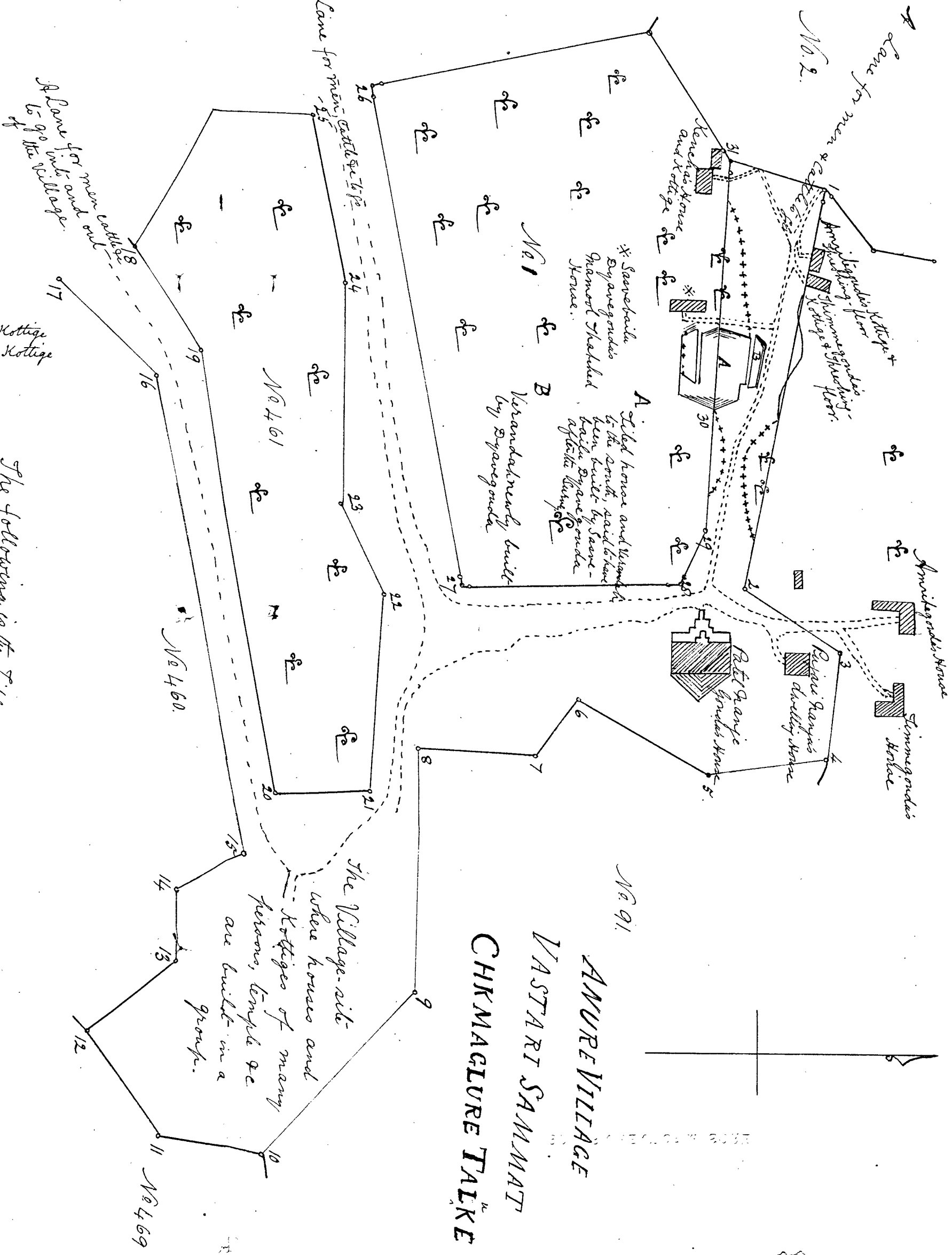
Deputy Commissioner

Kadur Dt

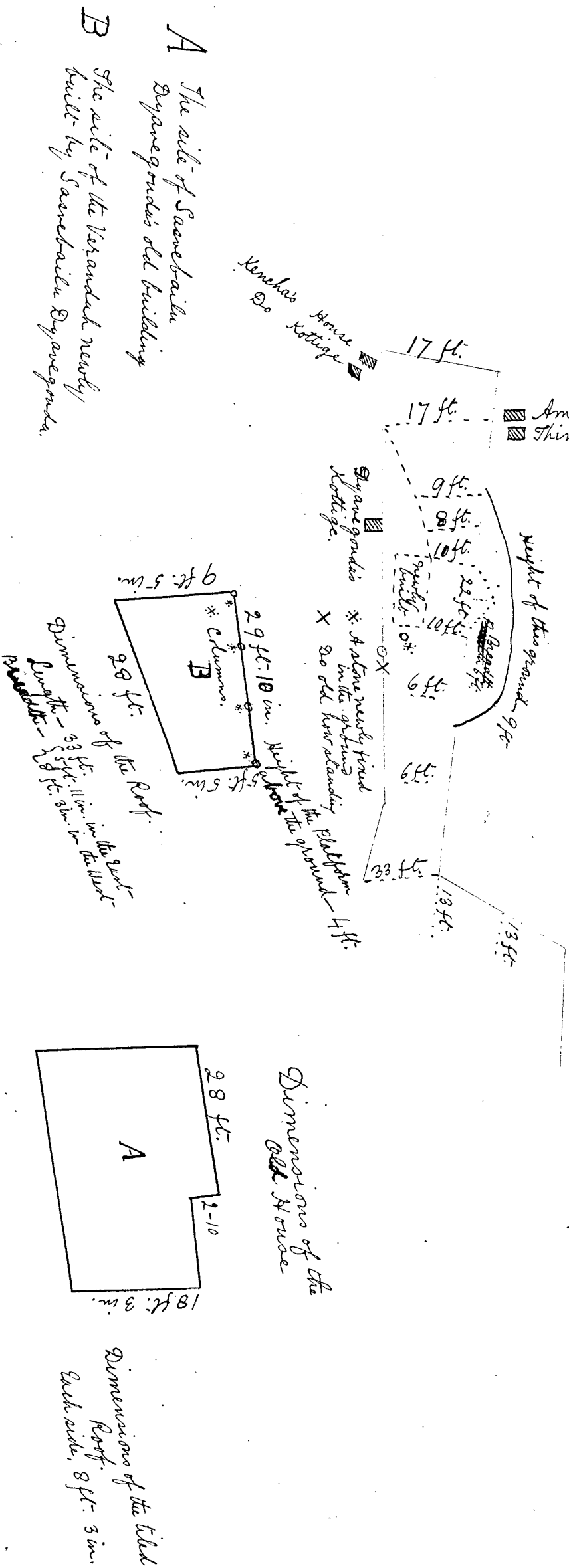
Amst.

(translation)

No. 90



The following is the Zifian



2191-92-7.

8

Appeal No. 41 — of 1892-93.

Appellant.

Vs.

Respondent.

Sasuve Bailer
Dave Gowda
of Anur village,
Chikkamagalur Taluk,
Kadur Distt,
represented by Mr. A. J. Narasimha
Gungar Advocate.

Decision, d/ 6-5-93.

This is an appeal against the order of the Dy. Commr. directing the Appellant to remove a veranda erected by the Appellant, on the ground that it is an encroachment upon a Public Road.

2. The Records & the plan furnished by the Dy. Commr. clearly show that the Appellant did encroach upon the Public road, & the Govt. see no reason to interfere with the order issued by the Deputy Commr. The appeal is therefore rejected. Appellant states that he has erected the verandah at some cost, & requests that he may be allowed to purchase some other land in the neighbourhood, & to make

it over to Govt to be used as ⁴²Road in lieu
of the space occupied by the verandah.
He should represent the matter to the
Deputy Commr. Govt can at present
pass no orders on the subject.

"By order"

Re-draft.

Mm
for Chief Secretary
12/5

all
10/5

No 19279
Pet: F. 294-92

Copy to the Dy Commr, Madras District,
with the vernacular papers & sketch recd
with his No 516 of 31-3-93.

"By order"

Mm
for Chief Secretary
BR

ML
SL

No: 41
781

20-5-93
MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
20 May 1893

Endorsement granted to Sasubailu Dyavegowda of Anur
Chickmagalur Taluk

in reply to his - Petition Registered No. ⁷⁸¹_{AS 41} dated 19-9-92
appealing against the order of the Deputy Commissioner
of Kadur, requiring Petitioner to remove a verandah
erected by him. ~~in Section 10~~

Petitioner is informed that his appeal has been dismissed,
as the records show that he did encroach upon
a Public road.

2 The enclosures are herewith returned.

at 10/5

"By Order"

Draft

Chief Secretary.